

# Idaho Heating, Ventilation, and Air Conditioning Board Meeting

Thursday – May 20, 2004  
Division of Building Safety – Meridian, Idaho

*The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.*

## CALL TO ORDER

Chairman Minegar called the meeting to order at 9:03 a.m. on Thursday, May 20, 2004 at the Division of Building Safety, Meridian, Idaho.

## PRESENT

Board members present included Chairman Pat Minegar, Mr. Russ Firkins, Ms. Carol Alexander, Mr. Jim Bledsoe, Mr., Steve Brown, Mr. Steve Keys, and Mr. Mike Wisdom.

Present from the Division of Building Safety were Mr. Dave Munroe, Administrator; Ms. Marsi Woody, Financial Officer; Ms. Kay Manweiler, Deputy Attorney General; Mr. Ted Hogander, HVAC Bureau Chief; Mr. Gary Malmén, Electrical Bureau Chief; Ms. Renee Bryant, HVAC Bureau; and Melinda Doan, HVAC Bureau Administrative Assistant and recording secretary.

Also present were Mr. Bob Corbell, HVAC, IMC, and IEC; Mr. Phil Petersen, Inland NW SMACNA; Mr. Collin Smith, SMW Local 66; Mr. Brent Moore, SMW Local 60; Mr. Russ Goyen, City of Idaho Falls; Mr. Dwight Perkins, IAPMO; Mr. Rick Evans, All Seasons Propane; Mr. John Paustain, SMWIA, 213; Mr. Tristan H. Harvey, The Bear Necessities; Mr. Warren Wyatt, Quality Heating; Mr. Bruce Graham, Quality Heating – Grangeville; Mr. Mark Smith, Lewis and Clark State College; Mr. Jerry Peterson, Idaho Building Trades; Mr. Floyd Reichert, SWIA, 213; Mr. Butch Stahl, IN-STAHl Heating; Mr. Ben Kohler, Idaho Mechanical Contractors; Mr. Ed Howland, Boise State; Mr. David L. Plew, Sr. Heating Contractor; Mr. Rod Clay, Idaho Plumbers and Pipefitters, AJTC; Mr. Paul Ricketts, 1<sup>st</sup> General Heating Contractor; Mr. Kevin Keller, Rocky Mountain Propane Association; Mr. Tom Daniels, Valley Co-ops Inc.; Mr. Casey Fallert, Valley Co-ops Inc.; Mr. Ken Jensen, Valley Co-ops Inc.; Mr. Jim Joy, Joy and Associates; and Mr. Jeff Reed, Intermountain Fireplace.

## INTRODUCTIONS

Chairman Minegar welcomed all attendees. Guests were asked to state their names and affiliation(s), speaking clearly for the record.

## MINUTES OF 4/9/04

Mr. Steve Keys requested a correction of the transposed letters in HVAC on Page Four, Paragraph Four. Mr. Ted Hogander

requested that the motion made by Mr. Steve Brown on Page Four, Paragraph Five, be changed from "permit fees" to "licensing fees". Chairman Minegar made a motion to approve the minutes of the Heating, Ventilation, and Air Conditioning Board Meeting of April 9, 2004, with these corrections. The motion was seconded. Passed.

## **LEGISLATIVE REPORT**

Mr. Bob Corbell addressed industry concerns that if the general grand fathering proceeds there will be unqualified people certified to do work they have not already been doing. Lengthy discussion commenced in regards to using a certification card that would list specialty areas under the specific categories of residential, commercial, and service, with sub-categories listed under each. The emphasis of concern was for safety.

The HVAC Board discussed its rule making authority as defined in the present statutes. 54-5005 refers to the ability of the board to exercise specific powers and duties reasonably necessary to carry out the provisions of the statutes. Specifically the board may establish fees, hold meetings, and establish by rule the fines to be paid. The board does not currently have the authority to create new categories. New legislation will need to be written and taken to the legislature with the apprentice program next year. The renewal process could be used to separate specific category licenses if the legislature grants the ability to create those categories. The issue continues to be how to determine qualifications for the specific categories. Mr. Bob Corbell will address these issues, formulate a plan, and submit it to the legislature.

## **INDUSTRY NOTIFICATION**

Concerns were addressed pertaining to the little businesses in the industry that are not members of an HVAC organization and are not being notified of these new requirements. Mr. Jim Bledsoe and Mr. Bob Corbell have traveled throughout the state attempting to get the word out. The HVAC Bureau has already mailed out 700 informational flyers. There is no fail-safe way to reach everyone, which is why the grand fathering period was extended to April 1, 2005. Proof of being in the business prior to July 1, 2004, will remain for the duration of the grand fathering period and will apply to out of state contractors as well. Those who do not meet the April 1, 2005, deadline would then have to prove experience and take a test.

## **PROPANE DELIVERY**

Discussion was entered into regarding the definition of the HVAC system, where the system begins, and responsibilities of the installers and service technicians. Comparisons were made between the natural gas industry and the propane industry. Concerns were voiced in relation to propane delivery drivers needing the ability to make small repairs to systems when problems are found at the time of delivery in order to keep from leaving customers without heat. Chairman Minegar replied that if the driver has already been doing that type of work they would qualify to be grandfathered in. The high turnover in the gas companies is an area of interest since this would result in non-qualified people potentially doing work. Further questions or

concerns may be directed to the bureau via E-Mail or telephone and will be forwarded to the board for future review.

## APPLICATION FORMS

Mr. Ted Hogander reviewed the forms and the statements that read; *"By submission of this application, and in lieu of an examination, I verify that I have carefully reviewed, understand, and agree to strictly adhere to the HVAC laws and rules of the state of Idaho. I acknowledge and agree that misstatements may result in loss of certification."* to be signed and notarized in the place of an examination. Under the grand fathering provision the board said they would distribute copies of the HVAC statutes and rules, along with an open book examination, in each application package. Because there is not sufficient time to create an exam and insure its validity, the board previously decided to attest that the act by the applicant of having read the law and rules would be the exam for the purpose of grand fathering. The board retains the right to revoke a license if information is not truthful. Ms. Carol Alexander made a motion to allow the HVAC Bureau to proceed with the program that has been developed and that the Board be ready to address issues as they come up. Mr. Steve Brown seconded the motion. Chairman Minegar asked for any discussion. Mr. Russ Firkins noted that he would like the opportunity to review the documents during the break and before voting.

## BREAK

Chairman Minegar called for a break at 10:25 a.m. during which time the board members will review the licensing documents.

The meeting reconvened at 10:43 a.m. when Chairman Minegar noted to all attendees that the minutes of every meeting, after approval of the board, and each new agenda is posted on the website for review.

Mr. Russ Firkins amended the motion requesting "specialty journeymen" be included for certificates of competency referring to 54-5003, sub-section 7. Mr. Ted Hogander responded that in the last board meeting there were only three defined categories: Contractor, Specialty Contractor, and Journeymen. Ms. Kay Manweiler noted that when the rules were adopted there were not specific rules for specialty journeymen because, at that time, there was nobody acting as specialty journeymen. Mr. Russ Firkins withdrew his amendment motion. Chairman Minegar asked for further discussion. None was given. The motion to adopt the applications as presented was taken to vote. All were in favor. The motion carries.

## CIVIL PENALTIES

A rough draft for Rule 11 was discussed. Alternate methods of charging fees include charges per violation, however, this takes away the inspectors discretion in evaluating whether some behavior is willful and creates an expectation with the licensee that they are allowed three chances before their license is in jeopardy. Language could be included that if at any time they did not want to issue three penalties they would not have to. 54-5013 addresses that fees would be required to be paid before

renewals unless the civil penalty was being appealed and that a bond would have to be posted in the amount of the civil penalty.

Mr. Russ Firkins moved to defer civil penalties until the next scheduled meeting. The motion was seconded. All were in favor. The motion carries.

## **STAGGERED CYCLE LICENSING**

Proposed Rule 12 addresses the issuance of certificates of competency and provides a framework by which the bureau may issue certificates on a staggered cycle so that, eventually, they would end up on a three-year renewal cycle due the anniversary of the month of birth. It is approached from the aspect of a new applicant, from the issue of renewals, and of staggering. The rule is clear that the fees are to be prorated.

Mr. Russ Firkins called for a motion to add Section 12 to the HVAC rules as presented to them. The motion was seconded. Chairman Minegar asked for any discussion. None was offered. All were in favor. The motion carries.

Mr. Russ Firkins asked if these would be a temporary rule and when they would be in effect. The Division of Financial Management will have to approve the temporary rule. The basis for the temporary rule is that it is necessary to comply with changes in the law.

## **APPRENTICE REGISTRATION**

The apprenticeship wording was pulled from the law and rules because a program is not in place yet. The problem remains with the question of multiple endorsements. There was discussion regarding the definition and qualifications of an apprentice. The HVAC Rules, section 020, states that the administrator will make registration forms available. The need exists to begin documenting time in trade and training for the apprentices already enrolled in courses through other entities or working in the industry.

Mr. Jim Bledsoe made the motion to allow the HVAC Bureau the authority to proceed with apprentice registration as needed. Ms. Carol Alexander seconded the motion. Chairman Minegar asked for discussion. None was given. All were in favor. The motion carries.

## **PREPAID PERMIT FEE**

Mr. Hogander presented the proposal to pre-collect the base permit fee for each permit in an attempt to prevent lost, destroyed, and duplicate permits and avoid the time and financial burden these issues currently cost other bureaus to rectify. Contractors could purchase one permit, a book of ten permits, or more than one book of permits by paying the \$50.00 base fee for each permit. Suggestions were made to have all permits paid in advance by faxing applications between contractors and the HVAC Bureau with payments being made within 30 days or of collecting an escrow account in advance from contractors and subtracting fees from that account as needed.

Mr. Steve Brown made the motion to accept the prepaid permit fee procedure. Mr. Mike Wisdom seconded the motion. Chairman Minegar asked for discussion. Ms. Carol Alexander commented that the up front fee might be difficult for the small contractor and suggested asking for half the fee up front and the second half when they issue the permit. Mr. Dave Munroe stated they had the option of buying one permit or ten. Mr. Kevin Keller was not in favor of the half now half later idea and felt it would be too confusing. There was no other discussion offered. All were in favor. The motion carries.

#### **CODE SPECIALIST UPDATE**

Mr. Dave Munroe stated that there were seven applicants for the code specialist position. Interviews are being arranged. Questions were drawn from suggestions made by board members, staff, and the Department of Human Resource (DHR). The intention is to have the person hired by the end of May.

#### **NEXT BOARD MEETING**

The next scheduled meeting is July 15, 2004. Mr. Dave Munroe asked to change the date due to previously scheduled meetings out of town. A suggestion was made to meet in June to address civil penalties since the deadline for new rules is August 25, 2004. Agreement was made to meet on July 29, 2004, at 9:00 a.m., in the Meridian office.

Chairman Minegar noted that during the next meeting civil penalties, specialty areas, and the low/high pressure code issues would be discussed. Mr. Dave Munroe stated that the board would have to be prepared to make motions, if desired, to enable the ability to put them in policy and send them through DFM.

#### **OLD BUSINESS**

Ms. Carol Alexander spoke in regards to code issues of low pressure. The IFGC does cover LP gas at low pressures, anything under 20 pounds. Anything over that is not covered. Depending on whether it is inside or outside, the NFP 54 or 58 would then be used. Since the board covers residential and commercial applications this will need to be addressed in the future.

Chairman Minegar asked for any other business. None was offered. Chairman Minegar thanked attendees.

#### **ADJOURNMENT**

The meeting was adjourned at 11:27 a.m.

DAVE MUNROE  
SECRETARY OF THE BOARD

MELINDA DOAN  
MINUTES RECORDER